

REMARKS

The pending Office Action dated May 26, 2010, sets forth a restriction requirement under 35 U.S.C. § 121 between Group I (claims 1-8 and 41-45 drawn to an “insurance policy protecting against losses from misidentification or misrepresentation”), and Group II (claims 9-12 drawn to “insuring against a party’s inability to complete or carry out an online transaction”). In response, applicants respectfully request reconsideration of the requirement for restriction. However, pursuant to the requirement of 37 C.F.R. § 1.143, applicants elect, with traverse, the claims of Group I – namely claims 1-8 and 41-45 – for prosecution in this application in the event that the restriction requirement is made final.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed, and (2) there must be a “serious burden” on the Examiner if restriction is not required. M.P.E.P. § 803. The Examiner has found that the claims of Groups I and II constitute distinct inventions that could support separate patents. However, applicants respectfully submit that it is not clear that it would be an undue burden on the Examiner to conduct a search and examination of all of the claimed subject matter of Groups I and II at the same time.

The claims of Groups I and II are both classified in Class 705, Subclass 4. Furthermore, applicants note that the Patent Office has previously treated original claims 1-12 as a single inventive Group even though it included multiple independent claims as is the case in the pending claim set. *See* July 10, 2006 Office Action, page 2. As set forth in M.P.E.P. § 803: “If the search and examination of all the claims in an application can be made without serious burden, the examiner **must** examine them on the merits, even though they include claims to independent or distinct inventions” (emphasis added).

Accordingly, applicants respectfully request reconsideration and withdrawal of the restriction requirement in its entirety. The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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